

House Resolution 182

By: Representatives Greene of the 151st, Lumsden of the 12th, Dunahoo of the 30th, Werkheiser of the 157th, Clark of the 98th, and others

A RESOLUTION

- 1 Authorizing the granting of non-exclusive easements for the construction, operation, and
- 2 maintenance of facilities, utilities, roads, and ingress and egress in, on, over, under, upon,
- 3 across, or through property owned by the State of Georgia in Barrow, Camden, Cobb, Floyd,
- 4 Houston, and White Counties; to provide for related matters; to provide for an effective date;
- 5 to repeal conflicting laws; and for other purposes.

- 6 WHEREAS, the State of Georgia is the owner of certain real property located in Barrow,
- 7 Camden, Cobb, Floyd, Houston, and White Counties; and

- 8 WHEREAS, the City of Marietta, Flint Energies, Inc., Georgia Power Company, Habersham
- 9 Electric Membership Corporation, and North Georgia Electric Membership Corporation
- 10 desire to operate and maintain facilities, utilities, and ingress and egress in, on, over, under,
- 11 upon, across, or through a portion of said property; and

- 12 WHEREAS, these non-exclusive easements, facilities, utilities, roads, and ingress and egress
- 13 in, on, over, under, upon, across, or through the above-described state property have been
- 14 requested or approved by the Department of Natural Resources, State Properties
- 15 Commission, and Technical College System of Georgia.

16 NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY
17 THE GENERAL ASSEMBLY OF GEORGIA:

20 That the State of Georgia is the owner of the hereinafter described real property lying and
21 being in Barrow County, Georgia, and is commonly known as Fort Yargo State Park, and the
22 property is in the custody of the Georgia Department of Natural Resources which, by official
23 action dated June 27, 2018, does not object to the granting of an easement and, in all matters

24 relating to the easement, the State of Georgia is acting by and through its State Properties
25 Commission.

26 **SECTION 2.**

27 That the State of Georgia, acting by and through its State Properties Commission, may grant
28 to Georgia Power Company, or its successors and assigns, a non-exclusive easement to
29 construct, install, operate, and maintain underground electrical distribution lines and
30 associated equipment to serve a new visitors center. Said easement area is located in Barrow
31 County, and is more particularly described as follows:

32 That approximately 1+/- of an acre, lying and being in Barrow County, Georgia, and that
33 portion only as shown on a drawing furnished by the Georgia Power Company, and being
34 on file in the offices of the State Properties Commission and may be more particularly
35 described by a plat of survey prepared by a Georgia registered land surveyor and presented
36 to the State Properties Commission for approval.

37 **SECTION 3.**

38 That the above-described easement area shall be used solely for the purpose of constructing,
39 installing, operating, and maintaining underground electrical distribution lines and associated
40 equipment.

41 **SECTION 4.**

42 That Georgia Power Company shall have the right to remove or cause to be removed from
43 said easement area only such trees and bushes as may be reasonably necessary for the proper
44 construction, installation, operation, and maintenance of underground electrical distribution
45 lines and associated equipment.

46 **SECTION 5.**

47 That, after Georgia Power Company has put into use the underground electrical distribution
48 lines and associated equipment that this easement is granted for, a subsequent abandonment
49 of the use thereof shall cause a reversion to the State of Georgia, or its successors and
50 assigns, of all the rights, title, privileges, powers, and easement granted herein. Upon
51 abandonment, Georgia Power Company, or its successors and assigns, shall have the option
52 of removing their facilities from the easement area or leaving the same in place, in which
53 event the underground electrical distribution lines and associated equipment shall become
54 the property of the State of Georgia, or its successors and assigns.

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SECTION 6.

56 That no title shall be conveyed to Georgia Power Company and, except as herein specifically
57 granted to Georgia Power Company, all rights, title, and interest in and to said easement area
58 is reserved in the State of Georgia, which may make any use of said easement area not
59 inconsistent with or detrimental to the rights, privileges, and interest granted to Georgia
60 Power Company.

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SECTION 7.

62 That if the State of Georgia, acting by and through its State Properties Commission,
63 determines that any or all of the facilities placed on the easement area should be removed or
64 relocated to an alternate site on state-owned land in order to avoid interference with the
65 state's use or intended use of the easement area, it may grant a substantially equivalent
66 non-exclusive easement to allow placement of the removed or relocated facilities across the
67 alternate site under such terms and conditions as the State Properties Commission shall in its
68 discretion determine to be in the best interests of the State of Georgia, and Georgia Power
69 Company shall remove or relocate its facilities to the alternate easement area at its sole cost
70 and expense without reimbursement by the State of Georgia unless, in advance of any
71 construction being commenced, Georgia Power Company provides a written estimate for the
72 cost of such removal and relocation and the State Properties Commission determines, in its
73 sole discretion, that the removal and relocation is for the sole benefit of the State of Georgia.
74 Upon written request from Georgia Power Company or any third party, the State Properties
75 Commission, in its sole discretion, may grant a substantially equivalent non-exclusive
76 easement within the property for the relocation of the facilities without cost, expense, or
77 reimbursement from the State of Georgia.

78

SECTION 8.

79 That the easement granted to Georgia Power Company shall contain such other reasonable
80 terms, conditions, and covenants as the State Properties Commission shall deem in the best
81 interest of the State of Georgia and that the State Properties Commission is authorized to use
82 a more accurate description of the easement area, so long as the description utilized by the
83 State Properties Commission describes the same easement area herein granted.

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SECTION 9.

85 That this resolution does not affect and is not intended to affect any rights, powers, interest,
86 or liability of the Georgia Department of Transportation with respect to the state highway
87 system, or of a county with respect to the county road system, or of a municipality with
88 respect to the city street system. Georgia Power Company shall obtain any and all other

89 required permits from the appropriate governmental agencies as are necessary for its lawful
90 use of the easement area or public highway right of way and comply with all applicable state
91 and federal environmental statutes in its use of the easement area.

92 **SECTION 10.**

93 That, given the public purpose of this project, the consideration for such easement shall be
94 \$10.00 and such further consideration and provisions as the State Properties Commission
95 may determine to be in the best interest of the State of Georgia.

96 **SECTION 11.**

97 That this grant of easement shall be recorded by Georgia Power Company in the Superior
98 Court of Barrow County and a recorded copy shall be promptly forwarded to the State
99 Properties Commission.

100 **SECTION 12.**

101 That the authorization in this resolution to grant the above-described easement to Georgia
102 Power Company shall expire three years after the date that this resolution becomes effective.

103 **SECTION 13.**

104 That the State Properties Commission is authorized and empowered to do all acts and things
105 necessary and proper to effect the grant of the easement area.

106 **ARTICLE II**

107 **SECTION 14.**

108 That the State of Georgia is the owner of the hereinafter described real property lying and
109 being in the 1606th G.M.D, Camden County, Georgia, and is commonly known as the
110 Camden County Campus of Coastal Pines Technical College, and the property is in the
111 custody of the Technical College System of Georgia which, by official action dated
112 October 30, 2018, does not object to the granting of an easement and, in all matters relating
113 to the easement, the State of Georgia is acting by and through its State Properties
114 Commission.

115 **SECTION 15.**

116 That the State of Georgia, acting by and through its State Properties Commission, may grant
117 to Georgia Power Company, or its successors and assigns, a non-exclusive easement to
118 construct, install, operate, and maintain underground and overhead electrical distribution

119 lines to serve the classroom and library building, project TCSG-265. Said easement area is
120 located in Camden County, and is more particularly described as follows:

121 That approximately 1.56 acres, lying and being in the 1606th G.M.D, Camden County,
122 Georgia, and that portion only as shown on a drawing furnished by Georgia Power
123 Company, and being on file in the offices of the State Properties Commission and may be
124 more particularly described by a plat of survey prepared by a Georgia registered land
125 surveyor and presented to the State Properties Commission for approval.

126 **SECTION 16.**

127 That the above-described easement area shall be used solely for the purpose of constructing,
128 installing, operating, and maintaining underground and overhead electrical distribution lines.

129 **SECTION 17.**

130 That Georgia Power Company shall have the right to remove or cause to be removed from
131 said easement area only such trees and bushes as may be reasonably necessary for the proper
132 construction, installation, operation, and maintenance of said underground and overhead
133 electrical distribution lines.

134 **SECTION 18.**

135 That, after Georgia Power Company has put into use the underground and overhead electrical
136 distribution lines this easement is granted for, a subsequent abandonment of the use thereof
137 shall cause a reversion to the State of Georgia, or its successors and assigns, of all the rights,
138 title, privileges, powers, and easement granted herein. Upon abandonment, Georgia Power
139 Company, or its successors and assigns, shall have the option of removing their facilities
140 from the easement area or leaving the same in place, in which event underground and
141 overhead electrical distribution lines shall become the property of the State of Georgia, or
142 its successors and assigns.

143 **SECTION 19.**

144 That no title shall be conveyed to Georgia Power Company and, except as herein specifically
145 granted to Georgia Power Company, all rights, title, and interest in and to said easement area
146 is reserved in the State of Georgia, which may make any use of said easement area not
147 inconsistent with or detrimental to the rights, privileges, and interest granted to Georgia
148 Power Company.

149

SECTION 20.

150 That if the State of Georgia, acting by and through its State Properties Commission,
151 determines that any or all of the facilities placed on the easement area should be removed or
152 relocated to an alternate site on state-owned land in order to avoid interference with the
153 state's use or intended use of the easement area, it may grant a substantially equivalent
154 non-exclusive easement to allow placement of the removed or relocated facilities across the
155 alternate site under such terms and conditions as the State Properties Commission shall in its
156 discretion determine to be in the best interests of the State of Georgia, and Georgia Power
157 Company shall remove or relocate its facilities to the alternate easement area at its sole cost
158 and expense without reimbursement by the State of Georgia unless, in advance of any
159 construction being commenced, Georgia Power Company provides a written estimate for the
160 cost of such removal and relocation and the State Properties Commission determines, in its
161 sole discretion, that the removal and relocation is for the sole benefit of the State of Georgia.
162 Upon written request from Georgia Power Company or any third party, the State Properties
163 Commission, in its sole discretion, may grant a substantially equivalent non-exclusive
164 easement within the property for the relocation of the facilities without cost, expense, or
165 reimbursement from the State of Georgia.

166

SECTION 21.

167 That the easement granted to Georgia Power Company shall contain such other reasonable
168 terms, conditions, and covenants as the State Properties Commission shall deem in the best
169 interest of the State of Georgia and that the State Properties Commission is authorized to use
170 a more accurate description of the easement area, so long as the description utilized by the
171 State Properties Commission describes the same easement area herein granted.

172

SECTION 22.

173 That this resolution does not affect and is not intended to affect any rights, powers, interest,
174 or liability of the Georgia Department of Transportation with respect to the state highway
175 system, or of a county with respect to the county road system, or of a municipality with
176 respect to the city street system. Georgia Power Company shall obtain any and all other
177 required permits from the appropriate governmental agencies as are necessary for its lawful
178 use of the easement area or public highway right of way and comply with all applicable state
179 and federal environmental statutes in its use of the easement area.

180

SECTION 23.

181 That, given the public purpose of the project, the consideration for such easement shall be
182 \$10.00 and such further consideration and provisions as the State Properties Commission
183 may determine to be in the best interest of the State of Georgia.

184

SECTION 24.

185 That this grant of easement shall be recorded by Georgia Power Company in the Superior
186 Court of Camden County and a recorded copy shall be promptly forwarded to the State
187 Properties Commission.

188

SECTION 25.

189 That the authorization in this resolution to grant the above-described easement to Georgia
190 Power Company shall expire three years after the date that this resolution becomes effective.

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SECTION 26.

192 That the State Properties Commission is authorized and empowered to do all acts and things
193 necessary and proper to effect the grant of the easement area.

194

ARTICLE III

195

SECTION 27.

196 That the State of Georgia is the owner of the hereinafter described real property lying and
197 being in Land Lot 287 of the 17th District, 2nd section of Cobb County, Georgia, and is
198 commonly known as Western and Atlantic Railroad, and the property is in the custody of the
199 State Properties Commission which does not object to the granting of an easement and, in
200 all matters relating to the easement, the State of Georgia is acting by and through its State
201 Properties Commission.

202

SECTION 28.

203 That the State of Georgia, acting by and through its State Properties Commission, may grant
204 to the City of Marietta, or its successors and assigns, a non-exclusive easement to construct,
205 install, operate, and maintain a pedestrian trail crossing, Chattahoochee River (KMCR) Trail
206 (P.I. 0010705), over the Western and Atlantic Railroad. Said easement area is located in
207 Cobb County, and is more particularly described as follows:

208 That approximately 0.0157 of an acre being a portion of property lying and being in Land
209 Lot 287 of the 17th District, 2nd section of Cobb County, Georgia, and that portion shown
210 on a survey furnished by the City of Marietta, Department of Public Works, and being on

211 file in the offices of the State Properties Commission and may be more particularly
212 described by a plat of survey prepared by a Georgia registered land surveyor and presented
213 to the State Properties Commission for approval.

214 **SECTION 29.**

215 That the above-described easement area shall be used solely for the purpose of constructing,
216 installing, operating, and maintaining a pedestrian trail crossing.

217 **SECTION 30.**

218 That the City of Marietta shall have the right to remove or cause to be removed from said
219 easement area only such trees and bushes as may be reasonably necessary for the proper
220 construction, installation, operation, and maintenance of said pedestrian trail crossing.

221 **SECTION 31.**

222 That, after the City of Marietta has put into use the pedestrian trail crossing this easement is
223 granted for, a subsequent abandonment of the use thereof shall cause a reversion to the State
224 of Georgia, or its successors and assigns, of all the rights, title, privileges, powers, and
225 easement granted herein. Upon abandonment, the City of Marietta, or its successors and
226 assigns, shall have the option of removing their facilities from the easement area or leaving
227 the same in place, in which event the pedestrian trail crossing shall become the property of
228 the State of Georgia, or its successors and assigns.

229 **SECTION 32.**

230 That no title shall be conveyed to the City of Marietta and, except as herein specifically
231 granted to the City of Marietta, all rights, title, and interest in and to said easement area is
232 reserved in the State of Georgia, which may make any use of said easement area not
233 inconsistent with or detrimental to the rights, privileges, and interest granted to the City of
234 Marietta.

235 **SECTION 33.**

236 That if the State of Georgia, acting by and through its State Properties Commission,
237 determines that any or all of the facilities placed on the easement area should be removed or
238 relocated to an alternate site on state-owned land in order to avoid interference with the
239 state's use or intended use of the easement area, it may grant a substantially equivalent
240 non-exclusive easement to allow placement of the removed or relocated facilities across the
241 alternate site under such terms and conditions as the State Properties Commission shall in its
242 discretion determine to be in the best interests of the State of Georgia, and the City of

243 Marietta shall remove or relocate its facilities to the alternate easement area at its sole cost
244 and expense without reimbursement by the State of Georgia unless, in advance of any
245 construction being commenced, the City of Marietta provides a written estimate for the cost
246 of such removal and relocation and the State Properties Commission determines, in its sole
247 discretion, that the removal and relocation is for the sole benefit of the State of Georgia.
248 Upon written request from the City of Marietta or any third party, the State Properties
249 Commission, in its sole discretion, may grant a substantially equivalent non-exclusive
250 easement within the property for the relocation of the facilities without cost, expense, or
251 reimbursement from the State of Georgia.

252 **SECTION 34.**

253 That the easement granted to the City of Marietta shall contain such other reasonable terms,
254 conditions, and covenants as the State Properties Commission shall deem in the best interest
255 of the State of Georgia and that the State Properties Commission is authorized to use a more
256 accurate description of the easement area, so long as the description utilized by the State
257 Properties Commission describes the same easement area herein granted.

258 **SECTION 35.**

259 That this resolution does not affect and is not intended to affect any rights, powers, interest,
260 or liability of the Georgia Department of Transportation with respect to the state highway
261 system, or of a county with respect to the county road system, or of a municipality with
262 respect to the city street system. The City of Marietta shall obtain any and all other required
263 permits from the appropriate governmental agencies as are necessary for its lawful use of the
264 easement area or public highway right of way and comply with all applicable state and
265 federal environmental statutes in its use of the easement area.

266 **SECTION 36.**

267 That the consideration for such easement shall be \$1,879.00 and such further consideration
268 and provisions as the State Properties Commission may determine to be in the best interest
269 of the State of Georgia.

270 **SECTION 37.**

271 That this grant of easement shall be recorded by the City of Marietta in the Superior Court
272 of Cobb County and a recorded copy shall be promptly forwarded to the State Properties
273 Commission.

274

SECTION 38.

275 That the authorization in this resolution to grant the above-described easement to the City of
276 Marietta shall expire three years after the date that this resolution becomes effective.

277

SECTION 39.

278 That the State Properties Commission is authorized and empowered to do all acts and things
279 necessary and proper to effect the grant of the easement area.

280

ARTICLE IV

281

SECTION 40.

282 That the State of Georgia is the owner of the hereinafter described real property lying and
283 being in Land Lots 47, 73, and 74, 24th District, 3rd Section, Floyd County, Georgia,
284 containing 337.18 acres and is commonly known as Arrowhead Wildlife Management Area,
285 and the property is in the custody of the Georgia Department of Natural Resources which,
286 by official action dated February 28, 2018, does not object to the granting of an easement
287 and, in all matters relating to the easement, the State of Georgia is acting by and through its
288 State Properties Commission.

289

SECTION 41.

290 That the State of Georgia, acting by and through its State Properties Commission, may grant
291 to North Georgia Electric Membership Corporation, or its successors and assigns, a
292 non-exclusive easement to construct, install, operate, and maintain the underground
293 distribution lines and underground electrical equipment to serve the new Department
294 Region 1 Game Management and Fisheries Office buildings located on the property. Said
295 easement area is located in Floyd County, and is more particularly described as follows:

296 That approximately 0.08 +/- of an acre being a portion of that land lying and being in Land
297 Lots 47, 73, and 74, 24th District, 3rd Section, Floyd County, Georgia containing 337.18
298 acres, and that portion only as shown on a drawing furnished by North Georgia Electric
299 Membership Corporation, and being on file in the offices of the State Properties
300 Commission and may be more particularly described by a plat of survey prepared by a
301 Georgia registered land surveyor and presented to the State Properties Commission for
302 approval.

303

SECTION 42.

304 That the above-described easement area shall be used solely for the purpose of constructing,
305 installing, operating, and maintaining underground distribution lines and underground
306 electrical equipment.

307

SECTION 43.

308 That North Georgia Electric Membership Corporation shall have the right to remove or cause
309 to be removed from said easement area only such trees and bushes as may be reasonably
310 necessary for the proper construction, installation, operation, and maintenance of said
311 underground distribution lines and underground electrical equipment.

312

SECTION 44.

313 That, after North Georgia Electric Membership Corporation has put into use the underground
314 distribution lines and underground electrical equipment this easement is granted for, a
315 subsequent abandonment of the use thereof shall cause a reversion to the State of Georgia,
316 or its successors and assigns, of all the rights, title, privileges, powers, and easement granted
317 herein. Upon abandonment, North Georgia Electric Membership Corporation, or its
318 successors and assigns, shall have the option of removing their facilities from the easement
319 area or leaving the same in place, in which event the underground distribution lines and
320 underground electrical equipment shall become the property of the State of Georgia, or its
321 successors and assigns.

322

SECTION 45.

323 That no title shall be conveyed to North Georgia Electric Membership Corporation and,
324 except as herein specifically granted to North Georgia Electric Membership Corporation, all
325 rights, title, and interest in and to said easement area is reserved in the State of Georgia,
326 which may make any use of said easement area not inconsistent with or detrimental to the
327 rights, privileges, and interest granted to North Georgia Electric Membership Corporation.

328

SECTION 46.

329 That if the State of Georgia, acting by and through its State Properties Commission,
330 determines that any or all of the facilities placed on the easement area should be removed or
331 relocated to an alternate site on state-owned land in order to avoid interference with the
332 state's use or intended use of the easement area, it may grant a substantially equivalent
333 non-exclusive easement to allow placement of the removed or relocated facilities across the
334 alternate site under such terms and conditions as the State Properties Commission shall in its
335 discretion determine to be in the best interests of the State of Georgia, and North Georgia

336 Electric Membership Corporation shall remove or relocate its facilities to the alternate
337 easement area at its sole cost and expense without reimbursement by the State of Georgia
338 unless, in advance of any construction being commenced, North Georgia Electric
339 Membership Corporation provides a written estimate for the cost of such removal and
340 relocation and the State Properties Commission determines, in its sole discretion, that the
341 removal and relocation is for the sole benefit of the State of Georgia. Upon written request
342 from North Georgia Electric Membership Corporation or any third party, the State Properties
343 Commission, in its sole discretion, may grant a substantially equivalent non-exclusive
344 easement within the property for the relocation of the facilities without cost, expense, or
345 reimbursement from the State of Georgia.

346 **SECTION 47.**

347 That the easement granted to North Georgia Electric Membership Corporation shall contain
348 such other reasonable terms, conditions, and covenants as the State Properties Commission
349 shall deem in the best interest of the State of Georgia and that the State Properties
350 Commission is authorized to use a more accurate description of the easement area, so long
351 as the description utilized by the State Properties Commission describes the same easement
352 area herein granted.

353 **SECTION 48.**

354 That this resolution does not affect and is not intended to affect any rights, powers, interest,
355 or liability of the Georgia Department of Transportation with respect to the state highway
356 system, or of a county with respect to the county road system, or of a municipality with
357 respect to the city street system. North Georgia Electric Membership Corporation shall
358 obtain any and all other required permits from the appropriate governmental agencies as are
359 necessary for its lawful use of the easement area or public highway right of way and comply
360 with all applicable state and federal environmental statutes in its use of the easement area.

361 **SECTION 49.**

362 That, given the public purpose of the project, the consideration for such easement shall be
363 \$10.00 and such further consideration and provisions as the State Properties Commission
364 may determine to be in the best interest of the State of Georgia.

365 **SECTION 50.**

366 That this grant of easement shall be recorded by North Georgia Electric Membership
367 Corporation in the Superior Court of Floyd County and a recorded copy shall be promptly
368 forwarded to the State Properties Commission.

369

SECTION 51.

370 That the authorization in this resolution to grant the above-described easement to North
371 Georgia Electric Membership Corporation shall expire three years after the date that this
372 resolution becomes effective.

373

SECTION 52.

374 That the State Properties Commission is authorized and empowered to do all acts and things
375 necessary and proper to effect the grant of the easement area.

376

ARTICLE V

377

SECTION 53.

378 That the State of Georgia is the owner of the hereinafter described real property lying and
379 being in Land Lot 81, 14th District, Houston County, Georgia, commonly known as the Flat
380 Creek Public Fishing Area, and the property is in the custody of the Georgia Department of
381 Natural Resources which, by official action dated April 25, 2018, does not object to the
382 granting of an easement and, in all matters relating to the easement, the State of Georgia is
383 acting by and through its State Properties Commission.

384

SECTION 54.

385 That the State of Georgia, acting by and through its State Properties Commission, may grant
386 to Flint Energies, Inc., or its successors and assigns, a non-exclusive easement to construct,
387 install, operate, and maintain underground electrical equipment and lighting poles for public
388 purpose use. Said easement area is located in Houston County, and is more particularly
389 described as follows:

390 That approximately 0.449 of an acre, lying and being in Land Lot 81, 14th District,
391 Houston County, Georgia, and that portion only as shown on a survey furnished by Flint
392 Energies, Inc., and being on file in the offices of the State Properties Commission and may
393 be more particularly described by a plat of survey prepared by a Georgia registered land
394 surveyor and presented to the State Properties Commission for approval.

395

SECTION 55.

396 That the above-described easement area shall be used solely for the purpose of constructing,
397 installing, operating, and maintaining underground electrical equipment and lighting poles.

398

SECTION 56.

399 That Flint Energies, Inc., shall have the right to remove or cause to be removed from said
400 easement area only such trees and bushes as may be reasonably necessary for the proper
401 construction, installation, operation, and maintenance of underground electrical equipment
402 and lighting poles.

403

SECTION 57.

404 That, after Flint Energies, Inc., has put into use the underground electrical equipment and
405 lighting poles this easement is granted for, a subsequent abandonment of the use thereof shall
406 cause a reversion to the State of Georgia, or its successors and assigns, of all the rights, title,
407 privileges, powers, and easement granted herein. Upon abandonment, Flint Energies, Inc.,
408 or its successors and assigns, shall have the option of removing their facilities from the
409 easement area or leaving the same in place, in which event the underground electrical
410 equipment and lighting poles shall become the property of the State of Georgia, or its
411 successors and assigns.

412

SECTION 58.

413 That no title shall be conveyed to Flint Energies, Inc., and, except as herein specifically
414 granted to Flint Energies, Inc., all rights, title, and interest in and to said easement area is
415 reserved in the State of Georgia, which may make any use of said easement area not
416 inconsistent with or detrimental to the rights, privileges, and interest granted to Flint
417 Energies, Inc.

418

SECTION 59.

419 That if the State of Georgia, acting by and through its State Properties Commission,
420 determines that any or all of the facilities placed on the easement area should be removed or
421 relocated to an alternate site on state-owned land in order to avoid interference with the
422 state's use or intended use of the easement area, it may grant a substantially equivalent
423 non-exclusive easement to allow placement of the removed or relocated facilities across the
424 alternate site under such terms and conditions as the State Properties Commission shall in its
425 discretion determine to be in the best interests of the State of Georgia, and Flint Energies,
426 Inc., shall remove or relocate its facilities to the alternate easement area at its sole cost and
427 expense without reimbursement by the State of Georgia unless, in advance of any
428 construction being commenced, Flint Energies, Inc., provides a written estimate for the cost
429 of such removal and relocation and the State Properties Commission determines, in its sole
430 discretion, that the removal and relocation is for the sole benefit of the State of Georgia.
431 Upon written request from Flint Energies, Inc., or any third party, the State Properties

432 Commission, in its sole discretion, may grant a substantially equivalent non-exclusive
433 easement within the property for the relocation of the facilities without cost, expense, or
434 reimbursement from the State of Georgia.

435 **SECTION 60.**

436 That the easement granted to Flint Energies, Inc., contains such other reasonable terms,
437 conditions, and covenants as the State Properties Commission shall deem in the best interest
438 of the State of Georgia and that the State Properties Commission is authorized to use a more
439 accurate description of the easement area, so long as the description utilized by the State
440 Properties Commission describes the same easement area herein granted.

441 **SECTION 61.**

442 That this resolution does not affect and is not intended to affect any rights, powers, interest,
443 or liability of the Georgia Department of Transportation with respect to the state highway
444 system, or of a county with respect to the county road system, or of a municipality with
445 respect to the city street system. Flint Energies, Inc., shall obtain any and all other required
446 permits from the appropriate governmental agencies as are necessary for its lawful use of the
447 easement area or public highway right of way and comply with all applicable state and
448 federal environmental statutes in its use of the easement area.

449 **SECTION 62.**

450 That, given the public purpose of the project, the consideration for such easement shall be
451 \$10.00 and such further consideration and provisions as the State Properties Commission
452 may determine to be in the best interest of the State of Georgia.

453 **SECTION 63.**

454 That this grant of easement shall be recorded by Flint Energies, Inc., in the Superior Court
455 of Houston County and a recorded copy shall be promptly forwarded to the State Properties
456 Commission.

457 **SECTION 64.**

458 That the authorization in this resolution to grant the above-described easement to Flint
459 Energies, Inc., shall expire three years after the date that this resolution becomes effective.

460 **SECTION 65.**

461 That the State Properties Commission is authorized and empowered to do all acts and things
462 necessary and proper to effect the grant of the easement area.

ARTICLE VI
SECTION 66.

465 That the State of Georgia is the owner of the hereinafter described real property lying and
466 being in Land Lots 56 & 73, 3rd Land District, White County, Georgia, and is commonly
467 known as Hardman Farm Historic Site, and the property is in the custody of the Georgia
468 Department of Natural Resources which, by official action dated January 27, 2017, does not
469 object to the granting of an easement and, in all matters relating to the easement, the State
470 of Georgia is acting by and through its State Properties Commission.

471 SECTION 67.

472 That the State of Georgia, acting by and through its State Properties Commission, may grant
473 to Habersham Electric Membership Corporation, or its successors and assigns, a
474 non-exclusive easement to construct, install, operate, and maintain underground electrical
475 equipment and distribution lines for a new entrance sign. Said easement area is located in
476 White County, and is more particularly described as follows:

477 That approximately 0.3 of an acre being a portion of that property lying and being in Land
478 Lots 56 & 73, 3rd Land District, White County, Georgia, and that portion only as shown on
479 a drawing furnished by the Habersham Electric Membership Corporation, and being on file
480 in the offices of the State Properties Commission and may be more particularly described
481 by a plat of survey prepared by a Georgia registered land surveyor and presented to the
482 State Properties Commission for approval.

483 SECTION 68.

484 That the above-described easement area shall be used solely for the purpose of construction,
485 installation, and maintenance of underground electrical equipment and distribution lines.

486 SECTION 69.

487 That Habersham Electric Membership Corporation shall have the right to remove or cause
488 to be removed from said easement area only such trees and bushes as may be reasonably
489 necessary for construction, installation, and maintenance of underground electrical
490 equipment and distribution lines.

491 SECTION 70.

492 That, after Habersham Electric Membership Corporation has put into use the underground
493 electrical equipment and distribution lines this easement is granted for, a subsequent
494 abandonment of the use thereof shall cause a reversion to the State of Georgia, or its

495 successors and assigns, of all the rights, title, privileges, powers, and easement granted
496 herein. Upon abandonment, Habersham Electric Membership Corporation, or its successors
497 and assigns, shall have the option of removing their facilities from the easement area or
498 leaving the same in place, in which event the said underground electrical equipment and
499 distribution lines shall become the property of the State of Georgia, or its successors and
500 assigns.

501 **SECTION 71.**

502 That no title shall be conveyed to Habersham Electric Membership Corporation and, except
503 as herein specifically granted to Habersham Electric Membership Corporation, all rights,
504 title, and interest in and to said easement area is reserved in the State of Georgia, which may
505 make any use of said easement area not inconsistent with or detrimental to the rights,
506 privileges, and interest granted to Habersham Electric Membership Corporation.

507 **SECTION 72.**

508 That if the State of Georgia, acting by and through its State Properties Commission,
509 determines that any or all of the facilities placed on the easement area should be removed or
510 relocated to an alternate site on state-owned land in order to avoid interference with the
511 state's use or intended use of the easement area, it may grant a substantially equivalent
512 non-exclusive easement to allow placement of the removed or relocated facilities across the
513 alternate site under such terms and conditions as the state Properties Commission shall in its
514 discretion determine to be in the best interests of the State of Georgia, and Habersham
515 Electric Membership Corporation shall remove or relocate its facilities to the alternate
516 easement area at its sole cost and expense without reimbursement by the State of Georgia
517 unless, in advance of any construction being commenced, Habersham Electric Membership
518 Corporation provides a written estimate for the cost of such removal and relocation and the
519 State Properties Commission determines, in its sole discretion, that the removal and
520 relocation is for the sole benefit of the State of Georgia. Upon written request from
521 Habersham Electric Membership Corporation or any third party, the State Properties
522 Commission, in its sole discretion, may grant a substantially equivalent nonexclusive
523 easement within the property for the relocation of the facilities without cost, expense, or
524 reimbursement from the State of Georgia.

525 **SECTION 73.**

526 That the easement granted to Habersham Electric Membership Corporation shall contain
527 such other reasonable terms, conditions, and covenants as the State Properties Commission
528 shall deem in the best interest of the State of Georgia and that the State Properties

529 Commission is authorized to use a more accurate description of the easement area, so long
530 as the description utilized by the State Properties Commission describes the same easement
531 area herein granted.

532 **SECTION 74.**

533 That this resolution does not affect and is not intended to affect any rights, powers, interest,
534 or liability of the Georgia Department of Transportation with respect to the state highway
535 system, or of a county with respect to the county road system, or of a municipality with
536 respect to the city street system. Habersham Electric Membership Corporation shall obtain
537 any and all other required permits from the appropriate governmental agencies as are
538 necessary for its lawful use of the easement area or public highway right of way and comply
539 with all applicable state and federal environmental statutes in its use of the easement area.

540 **SECTION 75.**

541 That, given the public purpose of the project, the consideration for such easement shall be
542 \$10.00 and such further consideration and provisions as the State Properties Commission
543 may determine to be in the best interest of the State of Georgia.

544 **SECTION 76.**

545 That this grant of easement shall be recorded by Habersham Electric Membership
546 Corporation in the Superior Court of White County and a recorded copy shall be promptly
547 forwarded to the State Properties Commission.

548 **SECTION 77.**

549 That the authorization in this resolution to grant the above-described easement to Habersham
550 Electric Membership Corporation shall expire three years after the date that this resolution
551 becomes effective.

552 **SECTION 78.**

553 That the State Properties Commission is authorized and empowered to do all acts and things
554 necessary and proper to effect the grant of the easement area.

555 **ARTICLE VII**

556 **SECTION 79.**

557 That this resolution shall become effective as law upon its approval by the Governor or upon
558 its becoming law without such approval.

559

SECTION 80.

560 That all laws and parts of laws in conflict with this resolution are repealed.